



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-1(b)

HILL WALLACK LLP

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*Attorneys for NewRez LLC d/b/a Shellpoint Mortgage
Servicing as servicer for 1900 Capital Trust II, by U.S.
Bank Trust National Association, not in its individual
capacity but solely as Certificate Trustee*

In Re:

Thomas Patrick Darby

Audrey Marie Darby

Debtors.

Order Filed on January 10, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-16285-VFP

Chapter: 13

Hearing Date: November 21, 2019

Judge: Vincent F. Papalia, U.S.B.J.

ORDER RESOLVING MOTION TO VACATE STAY

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: January 10, 2020


Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: Thomas Patrick Darby and Audrey Marie Darby

Case No: 19-16285

Caption: Order Resolving Motion to Vacate Stay

Applicant:

NewRez LLC d/b/a Shellpoint Mortgage Servicing as servicer for 1900 Capital Trust II, by U.S. Bank Trust National Association, not in its individual capacity but solely as Certificate Trustee ("Secured Creditor")

Applicant's Counsel:

Hill Wallack LLP

Debtor's Counsel:

Brian Gregory Hannon, Esq.

Property Involved ("Collateral"):

232 Doremus Avenue, Ridgewood, New Jersey 07450

Relief sought:

- ✓ Motion for relief from the automatic stay
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 6 months, from 06/01/2019 to 12/01/2019.
- The Debtor is overdue for 6 payments at \$3,783.62 per month.
- Less Funds held in debtor(s) suspense \$3,650.00
- Less Funds received since filing of MFR on 10/9/19: \$7,567.27 on 11/29/19
\$2,544.68 on 12/05/19

Total Arrearages Due \$8,939.77.

2. Debtor must cure all post-petition arrearages, as follows:

- Beginning on January 1, 2020, regular monthly mortgage payments shall continue to be made in the amount \$3,783.62 or pursuant to a future Notice of Payment Change.
- Beginning on January 1, 2020, additional monthly cure payments shall be made in the amount of \$1,787.93 for 1 month.
- Beginning on February 1, 2020, additional monthly cure payments shall be made in the amount of \$1,787.96 for 4 months.

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Debtor: Thomas Patrick Darby and Audrey Marie Darby

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3. Payments to the Secured Creditor shall be made to the following address(es):

- ✓ Immediate payment: NewRez, LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039
- ✓ Regular monthly payment: NewRez, LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039
- ✓ Monthly cure payment: NewRez, LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 740039
Cincinnati, OH 45274-0039

4. In the event of Default:

If the Debtors fail to make the immediate payment specified above timely (with no grace period) or fail to make any regular monthly payment or any additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

5. Award of Attorneys' Fees:

- ✓ The Applicant is awarded attorneys fees of \$350.00, and costs of \$181.00.

The fees and costs are payable through the Chapter 13 plan.